IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1418 OF 2006

The State of Maharashtra ...Applicant

vs.

Rajeshkumar Chaganlal Patel and others ...Respondents

Mr.D.P.Adsule, A.P.P. for the Applicant-State
Mr.V.V.Purwant h/f Mr.Amit Borkar for Respondent Nos.1 to 4
Mr.Rajesh Lakhana h/f Dr.V.K.Chowdhary for Respondent No.5.

CORAM: A.S.OKA,J.
DATE : DECEMBER 7,2006.

P.C.:

1. Heard learned A.P.P. for the Applicant-State in support of the prayer for leave to prefer an Appeal. The acquittal of the Respondents is for offences of contravention of the provisions of Section 7(i) read with section 2(ia) (a), 2(ia) (m) punishable under section 16 (1)(a)(ii) and 16 (1)(a)(i) read with section 17 of the Prevention of Food Adulteration Act, 1954.

2. The allegation of the prosecution is that on 30th May 1996, the Food Inspector purchased 1500 gms. iodized salt "Lata" and paid price to the first Respondent. According to the prosecution case, the first Respondent disclosed that the iodized salt was supplied by the 5th Respondent. According to the prosecution case, the Food Inspector had purchased 3 bags containing 500 gms. each of iodized salt and the salt was put in separate plastic bags which were cleaned, dried and empty

and the plastic bags were sealed by heating the same on the flame of the candle. On 31st May 1996 one sealed sample was sent to the Public Analyst at Kolhapur. On the same day remaining two samples were sent to Local Health Authority at Kolhapur. In July 1996, the Food Inspector received a report of the Public Analyst in which it was alleged that the iodized salt did not conform to the standards of iodized salt as per the rules.

3. Perusal of the impugned Judgment shows that the learned Judge has considered the entire oral and documentary evidence on record. It was found that though the sample was collected on 30th May 1996, the report of the Public Analyst was obtained on 19th July 1996. The complaint was lodged on 16th July 1997. Reliance was placed before the learned Trial Judge on an opinion of the expert to the effect that there are chances that iodine level in iodized salt diminishing considerably due to the chemical instability of iodine compounds. The learned Judge found that the action of the Food Inspector of keeping the samples in polythene bag was defective. The learned Judge found that the samples could not have been collected in polythene bags. The learned Judge found that considering the fact that the samples were of iodized salt, there was every possibility of the samples getting affected by moisture.

4. Apart from this fact, it was noted that the Food Inspector did not purchase salt in bulk quantity and he purchased only 3 bags of 500 gms. each.

5. Considering all the aforesaid aspects, the learned Judge held that the offence was not established by the prosecution. The view taken by the learned Trial Judge is certainly a possible view which could have been taken on the basis of evidence on record. No case is made out for grant of leave. Application is rejected.

JUDGE